

Minneapolis City Planning Department Report

**Zoning Amendment (Rezoning), Conditional Use Permit for a Cluster Development,
Conditional Use Permit (Height), Site Plan Review, Variances, Preliminary Plat**

BZZ – 1085

Date: May 12, 2003

Date Application Deemed Complete: April 15, 2003

End of 60 Day Decision Period: June 14, 2003

Applicant: Gesco Construction

Address Of Property: 2800 & 2806 Bloomington Ave. S.

Contact Person And Phone: Scott Nelson, architect, 362-0431

Planning Staff And Phone: Jason Wittenberg, 673-2297

Ward: 6 Neighborhood Organization: Phillips Midtown

Existing Zoning: C1 & R2B

Proposed Zoning: R4

Zoning Plate Number: 26

Legal Description of Property Proposed for Rezoning: Lot 1 & North 22 feet of Lot 2, Block 1, Merriam and Shaw's Addition to Minneapolis, according to the recorded plat thereof, and situate in Hennepin County, Minnesota. The South 36 feet of Lot 2, The North 10 feet of Lot 3, Block 1, Merriam and Shaw's Addition to Minneapolis, according to the plat thereof, and situate in Hennepin County, Minnesota.

Project Name: N/A

Proposed Use: Seven unit cluster development

Development Plan: Attached

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Conditional Use Permits: Required for cluster developments or for any development with five or more new or additional dwelling units in the R4 District as indicated in Table 546-1 of the zoning code.

A conditional use permit is required to increase the maximum permitted height of the two proposed “carriage house” units in the cluster development from 2-1/2 to 3 stories, as authorized by section 546.110 of the zoning code.

Site Plan Review: Site plan review is required for any use containing five or more new or additional dwelling units as indicated in Table 530-1 of the zoning code.

Variances:

- A variance to reduce the required front yard setback along Bloomington Avenue from 15 feet to 10 feet for open porches on the front of each of the five units facing Bloomington Avenue;
- A variance to reduce the required front yard setback along 28th Street (on a reverse corner lot) from 15 feet to 0 feet for the proposed cluster development;
- A variance to reduce the required interior south side yard setback from 15 feet to 5 feet for the proposed cluster development with a principal entrance facing the south lot line;
- A variance to increase the maximum permitted accessory structure area (for all attached and detached garages) from 10 percent of the lot area (1,569 square feet) to 14.4 percent of the lot area (2,246 square feet).

Zoning Code Section Authorizing Proposed Variances: 525.520(1), (3)

Previous Actions: N/A

Concurrent Review: Rezoning, conditional use permit, site plan review, variances and preliminary plat, as noted above.

Background: The applicant proposes to construct a seven unit cluster development that includes five units of attached townhomes fronting along Bloomington Avenue and two freestanding “carriage house” units located along the public alley. The carriage house units would include tuck-under garages while a separate accessory structure would include individual off-street parking spaces for the townhome units.

The property is a reverse corner lot. Because the property directly to the west is platted so that its front yard is along 28th Street, development of the property is subject to a required front yard along 28th Street in addition to the “true” front yard along Bloomington Avenue.

Findings As Required By The Minneapolis Zoning Code for the Rezoning Application:

1. **Whether the amendment is consistent with the applicable policies of the comprehensive plan.**

The Minneapolis Plan designates this area of Bloomington Avenue as a Community Corridor.

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Community Corridors are characterized by the following features.

- Streets connect more than 2 neighborhoods
- Corridors have a land use pattern that is primarily residential with intermittent commercial uses clustered at intersections in a pattern of nodes.
- Streets are generally minor arterials by the City's street classification system, with some exceptions.
- Streets carry a range of traffic volumes, a minimum of 4,000 average annual daily traffic (AADT) up to 15,000 AADT and greater.
- Streets carry a heavy volume of traffic but are not necessarily the principal travel routes for a specific part of the city Corridors do not support automobile oriented shopping centers.
- Corridor land use and building form exhibit traditional commercial and residential form and massing. (See discussion of traditional urban form in Chapter 9.)
- Commercial uses on community corridors are generally small scale retail sales and services serving the immediate neighborhood.

Planning staff has identified the following policies of the Minneapolis Plan as being relevant to the request to rezone the property to the R4 District.

Relevant policy: 4.2. Minneapolis will coordinate land use and transportation planning on designated Community Corridors streets through attention to the mix and intensity of land uses, the pedestrian character and residential livability of the streets, and the type of transit service provided on these streets.

Relevant Implementation Steps:

- Promote more intensive residential development along these corridors where appropriate.

Staff comment: The proposed rezoning would allow somewhat more intensive residential on the Community Corridor at the intersection of a major cross-town route.

Relevant policy: 9.5. Minneapolis will support the development of residential dwellings of appropriate form and density.

Relevant Implementation Steps:

- Promote the development of well designed moderate density residential dwellings adjacent to one or more of the following land use features: Growth Centers, Commercial Corridors, Community Corridors and Activity Centers.

Staff comment: The proposed rezoning would allow residential development of moderate density on the Community Corridor.

2. Whether the amendment is in the public interest and is not solely for the interest of a single property owner.

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Although the rezoning would largely benefit a particular property owner, the zoning change is generally consistent (in terms of density and permitted uses) with the purpose of Community Corridors.

- 3. Whether the existing uses of property and the zoning classification of property within the general area of the property in question are compatible with the proposed zoning classification, where the amendment is to change the zoning classification of particular property.**

Zoning classifications within the immediate area include C1, R2B OR1 and R6. Uses include a mix of single and two-family as well as multi-family dwellings and small scale commercial uses. The R4 District—a residence district allowing medium density development—would be compatible with this mix of zoning districts and land uses.

- 4. Whether there are reasonable uses of the property in question permitted under the existing zoning classification, where the amendment is to change the zoning classification of particular property.**

There are reasonable uses for the property under the existing zoning classification. The property in question, under the current zoning, could accommodate lower density residential uses and neighborhood scale commercial uses.

- 5. Whether there has been a change in the character or trend of development in the general area of the property in question, which has taken place since such property was placed in its present zoning classification, where the amendment is to change the zoning classification of particular property.**

The City recently approved a rezoning to a more intense zoning classification on Bloomington Avenue one block south of the site in question.

Findings As Required By The Minneapolis Zoning Code For A Conditional Use Permit for a Cluster Development:

The Minneapolis City Planning Department has analyzed the application and from the findings above concludes that the establishment, maintenance, or operation of the proposed conditional use:

- 1. Will not be detrimental to or endanger the public health, safety, comfort or general welfare.**

Development of a unified residential development of moderate density would be consistent with the intent of Community Corridors. Provided the project complies with all applicable life safety codes, including ensuring adequate access to the carriage house units for emergency service

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personnel, the Planning Department does not believe that the project would prove detrimental to public safety, comfort or general welfare.

2. **Will not be injurious to the use and enjoyment of other property in the vicinity and will not impede the normal or orderly development and improvement of surrounding property for uses permitted in the district.**

The site is currently not utilized. The scale and intensity of the project would prove compatible with the surrounding uses and would not impede normal and orderly development of the area provided an adequate transition through landscaping and/or fencing is maintained between the project and the residential project to the immediate south.

3. **Adequate utilities, access roads, drainage, necessary facilities or other measures, have been or will be provided.**

The site would be accessed the public alley. The Public Works Department has reviewed the preliminary plan and will review the final plan for compliance with standards related to access and circulation, drainage, and sewer/water connections.

4. **Adequate measures have been or will be provided to minimize traffic congestion in the public streets.**

Existing curb cuts would be removed, making way for additional space for on-street parking. The project would comply with the minimum number of off-street parking spaces.

5. **Is consistent with the applicable policies of the comprehensive plan.**

The conditional use permit to allow seven units of housing in a cluster development is consistent with the relevant provisions of the Minneapolis Plan, as follows:

Relevant policy: **9.5.** Minneapolis will support the development of residential dwellings of appropriate form and density.

Relevant Implementation Steps:

- Promote the development of well designed moderate density residential dwellings adjacent to one or more of the following land use features: Growth Centers, Commercial Corridors, Community Corridors and Activity Centers.

Staff comment: The proposed conditional use permit would allow residential development of moderate density on the Community Corridor.

6. **And, does in all other respects conform to the applicable regulations of the district in which it is located upon approval of this conditional use permit, the rezoning request, relevant variances, and site plan review.**

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If all land use/zoning applications are approved, including several variances and a c.u.p. to increase the maximum permitted height, the proposal will comply with all provisions of the R4 District.

Additional Criteria Applicable to Cluster Developments

(A) Any application for cluster development approval shall include a development plan which shall consist of a statement of the proposed use of all portions of the land to be included in the cluster development and a site plan showing all existing and proposed development, including but not limited to the location of structures, parking areas, vehicular and pedestrian access, open space, drainage, sewerage, fire protection, building elevations, landscaping, screening and bufferyards, and similar matters, as well as the location of existing public facilities and services.

The applicant has submitted relevant site and landscaping plans as well as building elevations. At the request of the Fire Department, a walkway has been added that connects the carriage house unit at the southwest corner of the property to the public sidewalk. The applicant must work with the Public Works Department to determine the appropriate location of sewer and water connections.

(B) All land proposed for cluster development shall be platted or replatted into one or more lots suitable for cluster development, and as such shall comply with all of the applicable requirements contained in Chapter 598, Land Subdivision Regulations.

The applicant will file a CIC condominium plat with Hennepin County. Property owners would purchase only the interior of the units and the land would be commonly held by the association. The property lines at the perimeter of the site would not be moving. The lot will be suitable for the cluster development. Staff has reached the conclusion that the plat application may be returned to the applicant provided that project complies with all relevant land subdivision regulations, including the deed restriction requirements of section 598.260.

(C) The cluster development shall meet the minimum lot area and lot width requirements of the zoning district. There shall be no minimum lot area or lot width requirements for individual lots within the cluster development.

The project would meet the minimum lot width and area requirements of the R4 District. Cluster developments in the R4 District require at least 5,000 square feet of lot area but not less than 1,500 square feet per dwelling unit and must be situated on a lot at least 40 feet in width. The lot has 15,694 square feet of lot area; 2,242 square feet per dwelling unit. The lot is 128.46 feet (north-south) by 122.2 feet (east-west).

(D) Yards of at least such minimum width as required by the zoning district shall be maintained along the periphery of the cluster development. Yards for individual lots

within the cluster development shall not be required. The distance between principal buildings within the cluster development shall be not less than ten (10) feet.

The applicant seeks variances of perimeter yards along the north, east, and south sides of the property. Principal buildings would be located at least 10 feet apart and principal buildings would be located at least six feet from accessory buildings.

(E) Not less than forty (40) percent of the land in a cluster development shall be designated as common space for the benefit of all of the residents of the development. Such common space shall be a contiguous area under common ownership or control and shall be located so that it is directly accessible to the largest practical number of dwellings within the development. Safe and convenient pedestrian access shall be provided to such common space for dwellings not adjoining such space. Common space shall include but is not limited to landscaped yards, recreation areas, wetlands, waterbodies and common parking facilities. However, not more than one-half of required common space shall consist of such parking facilities, driveways and private roadways. The city planning commission may approve alternatives to this requirement where strict adherence is impractical because of site location or conditions and the proposed alternative meets the intent of this section.

According to the applicant's calculations the building footprints would cover 6,649 square feet, or 42.4 percent of the lot. Thus, 9,045 square feet (63.6 percent of the lot area) would be common open area. Much of the common area would be located in a semi-private corridor between the principal townhouse building and the structures along the public alley. The area would be clearly accessible to all of the dwelling units, would be enclosed by decorative fencing, and would feature a sod courtyard and a sand playlot for children. Under the current proposal, approximately 1,951 square feet (21.6 percent of the common open area) would be dedicated to outdoor parking and driveways.

(F) To the extent practical, all new construction or additions to existing buildings shall be compatible with the scale and character of the surroundings, and exterior building materials shall be harmonious with other buildings in the neighborhood. Not less than eighty (80) percent of the habitable floor area of single or two family dwellings and multiple family dwellings of three (3) and four (4) units shall have a minimum width of twenty-two (22) feet. Cluster developments not otherwise governed by Chapter 530, Site Plan Review, shall comply with the principal entrance and windows requirements of Chapter 535, Regulations of General Applicability. The city planning commission may approve alternatives to this requirement where strict adherence is impractical because of site location or conditions and the proposed alternative meets the intent of this section.

The scale of the buildings would be consistent with other residential structures in the immediate area. Staff is concerned about the proposed use of vinyl siding as the primary exterior material of the buildings. Although vinyl siding is used on some structures in the vicinity, it is not consistent with the character of many of the buildings that have maintained a historic character through use of more traditional materials. All dwelling units would be greater than 22 feet in width. The

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proposal complies with the principal entrance and window requirements of Chapter 530 and Chapter 535.

(G)An appropriate transition area between the use and adjacent property shall be provided by landscaping, screening and other site improvements consistent with the character of the neighborhood.

Although the applicant proposes to install a decorative fence along the south property line, it appears that the fence would be immediately adjacent to an existing chain link fence located on the property to the south. Staff recommends that, wherever feasible, the walkway along the south lot line be shifted to the north to allow some landscaping along the south lot line as a transition between the cluster development and the residential property to the south. Staff also recommends that the project incorporate landscaping in the public right of way along 28th Street, particularly between the off-street parking area and the sidewalk and at the northeast corner to prevent cut-through foot traffic. The applicant proposes five trees in the public right of way along Bloomington. Trees should also be planted south of the public sidewalk. Staff recommends that the applicant incorporate landscaping along the public alley where paving is not needed to access the off-street parking. This would contribute breaking up the proposed expanse of pavement and offer a softer transition between the project and the residential structure that immediately abuts the west side of the alley.

(H)Any cluster development which includes a manufactured home or a manufactured home park shall be first allowed in the R2 Two-family District.

The project would not include manufactured homes.

Findings As Required By The Minneapolis Zoning Code For A Conditional Use to Increase the Maximum Permitted Height:

The Minneapolis City Planning Department has analyzed the application and from the findings above concludes that the establishment, maintenance, or operation of the proposed conditional use:

- 1. Will not be detrimental to or endanger the public health, safety, comfort or general welfare.**

Increasing the maximum permitted height of the two carriage house structures from 2-1/2 to 3 stories would not be detrimental to public health, safety, comfort, or welfare. The proposed buildings would be set forward of the public alley approximately 16 feet. The increase height would not affect visibility of public spaces from adjacent properties or the visibility to and from vehicles exiting the public alley onto 28th Street.

- 2. Will not be injurious to the use and enjoyment of other property in the vicinity and will not impede the normal or orderly development and improvement of surrounding property for uses permitted in the district.**

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The residential building to the west is situated very close to the public alley and would be the most affected property should the commission grant the increased height to the applicant. In staff's estimation, the flat-roofed carriage house near the northwest corner of the property would be significantly shorter than the peak of the 2-1/2 story residential building to the west. Further, the existing site plan would place the two structures approximately 30 feet apart—a much greater separation than would be found between two adjacent residential structures on a typical residential block.

3. Adequate utilities, access roads, drainage, necessary facilities or other measures, have been or will be provided.

The increase in the maximum permitted height would not call for an increase in services to the site. With the flat roof (as with other structures), the applicant must indicate where water will be directed from the rooftops of the buildings.

4. Adequate measures have been or will be provided to minimize traffic congestion in the public streets.

Staff does not anticipate that increasing the maximum permitted height of the two structures in question would have any appreciable impact on traffic congestion. The two buildings would both feature two-car tuck-under garages.

5. Is consistent with the applicable policies of the comprehensive plan.

Relevant Policy: **9.8.** Minneapolis will maintain and strengthen the character of the city's various residential areas.

Relevant Implementation Steps:

- Infill development standards must reflect the setbacks, orientation, pattern, materials, height and scale of surrounding one and two family dwellings.

Staff comment: Nearby single and two family dwellings are primarily 2-1/2 stories in height and are generally taller (to the peak) than the proposed dwellings.

6. And, does in all other respects conform to the applicable regulations of the district in which it is located upon approval of this conditional use permit, variance, rezoning, and site plan review.

With approval of this conditional use permit, the structures would be fully conforming within a cluster development.

Additional Criteria to Increase the Maximum Permitted Height

(1) Access to light and air of surrounding properties.

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The two structures for which the applicant seeks to increase the maximum permitted height would be located near the public alley. The residential building to the west is situated very close to the public alley and would be the most affected property should the commission grant the increased height to the applicant. The increase in height would have some affect on access to light in the a.m. hours. However, the proposed flat-roofed carriage house near the northwest corner of the property would be shorter than the peak of the 2-1/2 story residential building to the west. Further, the existing site plan would place the two structures approximately 30 feet apart—a much greater separation than would be found between two adjacent residential structures on a typical residential block.

(2) Shadowing of residential properties or significant public spaces.

As noted above, some additional morning shadowing of the residential dwelling to the west would be expected as a result of the height increase. Given the substantial distance between the two structures, however, staff does not believe that such shadowing would be substantial or detrimental. Some additional shadowing of the public sidewalk would be expected.

(3) The scale and character of surrounding uses.

Nearby uses are generally 2-1/2 stories in height. The proposed flat-roofed structures would not be out of scale with the relatively tall residential dwellings nearby.

(4) Preservation of views of landmark buildings, significant open spaces or water bodies.

Residential dwellings in the area currently do not have views of landmark buildings. Further, no significant open spaces or water bodies exist in the immediate area.

Required Findings for Major Site Plan Review

- A. The site plan conforms to all applicable standards of Chapter 530, Site Plan Review. (See Section A Below for Evaluation.)**
- B. The site plan conforms to all applicable regulations of the zoning ordinance and is consistent with applicable policies of the comprehensive plan. (See Section B Below for Evaluation.)**
- C. The site plan is consistent with applicable development plans or development objectives adopted by the city council. (See Section C Below for Evaluation.)**

Section A: Conformance with Chapter 530 of Zoning Code

BUILDING PLACEMENT AND FAÇADE:

- Placement of the building shall reinforce the street wall, maximize natural surveillance and visibility, and facilitate pedestrian access and circulation.**

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- **First floor of the building shall be located not more than eight (8) feet from the front lot line (except in C3S District or where a greater yard is required by the zoning ordinance). If located on corner lot, the building wall abutting each street shall be subject to this requirement.**
- **The area between the building and the lot line shall include amenities.**
- **The building shall be oriented so that at least one (1) principal entrance faces the public street.**
- **Except in the C3S District, on-site accessory parking facilities shall be located to the rear or interior of the site, within the principal building served, or entirely below grade.**
- **For new construction, the building façade shall provide architectural detail and shall contain windows at the ground level or first floor.**
- **In larger buildings, architectural elements shall be emphasized.**
- **The exterior materials and appearance of the rear and side walls of any building shall be similar to and compatible with the front of the building.**
- **The use of plain face concrete block as an exterior material shall be prohibited where visible from a public street or a residence or office residence district.**
- **Entrances and windows:**
 - **Residential uses shall be subject to section 530.110 (b) (1).**
 - **Nonresidential uses shall be subject to section 530.110 (b) (2).**
- **Parking Garages: The exterior design shall ensure that sloped floors do not dominate the appearance of the façade and that vehicles are screened from view. At least thirty (30) percent of the first floor façade that faces a public street or sidewalk shall be occupied by commercial uses, or shall be designed with architectural detail or windows, including display windows, that create visual interest.**

Conformance with above requirements:

Variances of front yard setbacks along both Bloomington Avenue and 28th Street have been requested. The proposed building placement would be consistent with the placement of other buildings on the block. Natural surveillance would be allowed through generous use of windows and through use of the front porches. Pedestrian access to the site would be ideal, with individual walkways serving each unit.

As noted above, the applicant proposes to reduce the required front yard setback.

Landscaping is proposed between the building and the front property line. Staff recommends that the applicant landscape the public right of way between the sidewalk and the property line along 28th Street.

Principal entrances would face the public streets.

On-site accessory parking facilities would be located along the public alley to the rear and within the principal buildings.

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A good deal of architectural detail is provided in the proposed buildings, with generous use of projections and recesses into the façade along Bloomington Avenue.

Proposed building materials would be similar and compatible on all sides. The plan makes generous use of ground-floor windows. The primary materials would be a mix of brick and EIFS. These materials must be similar and compatible on all sides.

Plain face concrete block would not be used as a primary exterior building material. The carriage house units would incorporate rock face concrete block.

Entrances to the townhome entrance would be clearly emphasized with front porches. The 28th Street entrance to the northerly carriage house unit would feature a wood trellis. Any encroachments into the public right of way would require an encroachment permit from the Public Works Department. The form and roof lines of the townhouse units would be compatible with area buildings. The flat-roofed carriage house units are consistent with multi-family residential projects in the area. Windows and doors are evenly distributed. According to staff calculation, approximately 26 percent of the first floor area along Bloomington Avenue between two and 10 feet above grade would be doors or windows. Approximately 24 percent of the first floor of the townhouse facing 28th Street would be windows. Approximately 17 percent of the first floor (between two and 10 feet) of the carriage house unit facing 28th Street would be windows or doors. Since much of the first floor facing 28th Street would accommodate tuck-under parking, staff recommends that the commission grant alternative compliance due to the difficulty of providing a great deal of window area into garage space provided the applicant does not further reduce the window area from the current proposal.

ACCESS AND CIRCULATION:

- **Clear and well-lighted walkways of at least four (4) feet in width shall connect building entrances to the adjacent public sidewalk and to any parking facilities located on the site.**
- **Transit shelters shall be well lighted, weather protected and shall be placed in locations that promote security.**
- **Vehicular access and circulation shall be designed to minimize conflicts with pedestrian traffic and surrounding residential uses.**
- **Traffic shall be directed to minimize impact upon residential properties and shall be subject to section 530.140 (b).**
- **Areas for snow storage shall be provided unless an acceptable snow removal plan is provided.**
- **Site plans shall minimize the use of impervious surfaces.**

Conformance with above requirements:

All building entrances are connected to public sidewalks with walkways of at least four feet in width.

The site is not immediately adjacent to a transit stop.

Appropriately, vehicle access would take place via the public alley.

Staff expects that few vehicles would drive the entire length of the public alley. Due to its close proximity the 28th Street, the vast majority of vehicle trips will utilize 28th Street to enter and leave the site.

The applicant has indicated that snow will be removed from the site.

The Planning Department is concerned about the large expanse of asphalt between the buildings and the public alley. Staff recommends that the applicant reduce the amount of impervious surface by either moving the buildings to a point not less than five feet from the public alley and or placing landscaped “islands” in the areas that are not needed for vehicle maneuvering. Such landscaping would also provide a more pleasant transition between the cluster development and the residential building that abuts the alley on the west side. If the buildings are moved westward, permeable area would be added to the common interior courtyard. Note, however, that the garages must be placed so that there is either adequate room to park vehicles (e.g., at least 18 feet) or where parking clearly would not be accommodated.

LANDSCAPING AND SCREENING:

- **The composition and location of landscaped areas shall complement the scale of the development and its surroundings.**
 - **Not less than twenty (20) percent of the site not occupied by buildings shall be landscaped as specified in section 530.150 (a).**
- **Where a landscaped yard is required, such requirement shall be landscaped as specified in section 530.150 (b).**
- **Required screening shall be six (6) feet in height, unless otherwise specified, except in required front yards where such screening shall be three (3) feet in height.**
- **Required screening shall be at least ninety-five (95) percent opaque throughout the year. Screening shall be satisfied by one or a combination of the following:**
 - **A decorative fence.**
 - **A masonry wall.**
 - **A hedge.**
- **Parking and loading facilities located along a public street, public sidewalk or public pathway shall comply with section 530.160 (b).**
- **Parking and loading facilities abutting a residence or office residence district or abutting a permitted or conditional residential use shall comply with section 530.160 (c).**
- **The corners of parking lots shall be landscaped as specified for a required landscaped yard. Such spaces may include architectural features such as benches, kiosks, or bicycle parking.**
- **Parking lots containing more than two hundred (200) parking spaces: an additional landscaped area not less than one hundred-fifty (150) square feet shall be provided for each twenty-five (25) parking spaces or fraction thereof, and shall be landscaped as specified for a required landscaped yard.**

- **All parking lots and driveways shall be defined by a six (6) inch by six (6) inch continuous concrete curb positioned two (2) feet from the boundary of the parking lot, except where the parking lot perimeter is designed to provide on-site retention and filtration of stormwater. In such case the use of wheel stops or discontinuous curbing is permissible. The two (2) feet between the face of the curb and any parking lot boundary shall not be landscaped with plant material, but instead shall be covered with mulch or rock, or be paved.**
- **All other areas not governed by sections 530.150, 530.160 and 530.170 and not occupied by buildings, parking and loading facilities or driveways, shall be covered with turf grass, native grasses or other perennial flowering plants, vines, mulch, shrubs or trees.**
- **Installation and maintenance of all landscape materials shall comply with the standards outlined in section 530.220.**
- **The city planning commission may approve the substitution or reduction of landscaped plant materials, landscaped area or other landscaping or screening standards, subject to section 530.60, as provided in section 530.230.**

Conformance with above requirements:

Landscaping would exceed the minimum 20 percent of the net site area. The net site area is approximately 9,045 sq. ft. At least 20 percent of the net site area (1809 sq. ft.) should be landscaped. A more detailed plant schedule should accompany the final landscape plan (i.e., one that indicates the number and size of each proposed species).

The proposed plan would comply with the required number of trees and shrubs based on the amount of net site area.

Landscaped yard is required between the outdoor parking area and the public street and between the outdoor parking area and the property to the south. No trees or shrubs are currently shown in these areas. Because the parking area essentially acts as a driveway, landscaping is not practical between the parking area and the residence district to the west.

Staff recommends that the commission grant alternative compliance from the concrete curbing requirement. Drainage from the outdoor off-street parking area would go to the public alley or to the permeable area to the north and south of the parking area. Landscape islands should be added to areas not needed for vehicle maneuvering.

The landscaping must be properly installed and maintained. The final landscaping plan should include planting details as well as indicate wood mulch and a maintenance plan.

Turf will cover all areas that are not paved or landscaped.

ADDITIONAL STANDARDS:

- **Lighting shall comply with the requirements of Chapter 535 and Chapter 541. A lighting diagram may be required.**

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- **Parking and loading facilities and all other areas upon which vehicles may be located shall be screened to avoid headlights shining onto residential properties.**
- **Site plans shall minimize the blocking of views of important elements of the city.**
- **Buildings shall be located and arranged to minimize shadowing on public spaces and adjacent properties.**
- **Buildings shall be located and arranged to minimize the generation of wind currents at ground level.**
- **Site plans shall include crime prevention design elements as specified in section 530.260.**
- **Site plans shall include the rehabilitation and integration of locally designated historic structures or structures that have been determined to be eligible to be locally designated. Where rehabilitation is not feasible, the development shall include the reuse of significant features of historic buildings.**

Conformance with above requirements:

Wall-mounted lights are proposed on the east and west sides of the building. The applicant should ensure that such lights are hooded to avoid undue glare.

Headlight glare from vehicles would be minimized since vehicles would not face adjacent residential properties.

Significant views would not be blocked by the development.

Some shadowing of public sidewalks would be expected.

Wind currents should not be major concern.

From a crime prevention standpoint, the applicant must ensure that adequate lighting is installed and that hiding places are minimized. Fencing should be decorative in nature and should not allow views into and out of the site. The proposed fencing allows for appropriate definition of private versus public space. The applicant should consider obtaining an encroachment

The site is not located within a designated historic district.

Section B: Conformance with All Applicable Zoning Code Provisions and Consistency with the Comprehensive Plan

ZONING CODE: The site is currently zoned C1 and R2B. The applicant proposes to rezone the property to R4 in order to increase the number of dwelling units that would be allowed on the property.

Parking and Loading: Chapter 541 of the zoning code requires one off-street parking space per dwelling unit. The applicant proposes to exceed the minimum parking requirement by providing nine enclosed parking spaces and five outdoor parking space for a total of 14 spaces.

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Signs: No signs are proposed.

Maximum Floor Area: There is no maximum F.A.R. for cluster developments in the R4 District.

Minimum Lot Area: The project would meet the minimum lot width and area requirements of the R4 District. Cluster developments in the R4 District require at least 5,000 square feet of lot area but not less than 1,500 square feet per dwelling unit and must be situated on a lot at least 40 feet in width. The lot has 15,694 square feet of lot area; 2,242 square feet per dwelling unit.

Height: Maximum building height for cluster developments in the R4 District is 2-1/2 stories or 35 feet, whichever is less. The townhouse units would comply with this limitation but the applicant has applied for a c.u.p. to increase the maximum height of the proposed three-story carriage house units

Yard Requirements: The required yards are as follows:

Front (along both 28th Street and Bloomington Avenue; reverse corner lot): 15 feet

Rear and interior side yards: 5 feet (except where a principal entrance faces the interior lot line, which increase the minimum side yard setback to 15 feet as indicated in 535.250 of the zoning code.) The applicant has requested variances to reduce required yards on all sides except the rear.

Building coverage: The maximum building coverage in the R4 District is 70 percent. Buildings would cover approximately 42 percent of the site.

Impervious surface area: The maximum impervious surface coverage in the R4 District is 85 percent. Impervious surfaces would cover approximately 73 percent of the site.

Specific Development Standards: See the conditional use permit above.

Dumpster screening: If refuse containers are kept outdoors, such containers must be screened as required in section 535.80 of the zoning code.

535.80. Screening of refuse storage containers. Refuse storage containers shall be enclosed on all four (4) sides by screening compatible with the principal structure not less than two (2) feet higher than the refuse container or shall be otherwise effectively screened from the street, adjacent residential uses located in a residence or office residence district and adjacent permitted or conditional residential uses. Single and two-family dwellings and multiple-family dwellings of three (3) and four (4) units shall not be governed by this provision.

MINNEAPOLIS PLAN: In addition to the relevant policies discussed above, the following policies are also relevant the proposed site layout and building form.

Relevant Policy: **9.6** Minneapolis will work with private and other public sector partners to invest in new development that is attractive, functional and adds value to the physical environment.

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Relevant Implementation Steps:

- Promote the use of progressive design guidelines and street-oriented building alignments to maximize compatibility with surrounding neighborhoods.

Staff comment: The project would be compatible with area properties. Staff suggests, however, that the applicant consider a higher quality siding material.

Relevant policy: **9.5.** Minneapolis will support the development of residential dwellings of appropriate form and density.

Relevant Implementation Steps:

- Promote the development of well designed moderate density residential dwellings adjacent to one or more of the following land use features: Growth Centers, Commercial Corridors, Community Corridors and Activity Centers.

Staff comment: The project would incorporate moderate density on a Community Corridor.

Section C: Conformance with Applicable Development Plans or Objectives Adopted by the City Council

Staff is unaware of any conflict between the proposal and any development plan or objective adopted by the city council.

Alternative Compliance. The Planning Commission may approve alternatives to any major site plan review requirement upon finding any of the following:

- The alternative meets the intent of the site plan chapter and the site plan includes amenities or improvements that address any adverse effects of the alternative. Site amenities may include but are not limited to additional open space, additional landscaping and screening, transit facilities, bicycle facilities, preservation of natural resources, restoration of previously damaged natural environment, rehabilitation of existing structures that have been locally designated or have been determined to be eligible to be locally designated as historic structures, and design which is similar in form, scale and materials to existing structures on the site and to surrounding development.
- Strict adherence to the requirements is impractical because of site location or conditions and the proposed alternative meets the intent of this chapter.
- The proposed alternative is consistent with applicable development plans or development objectives adopted by the city council and meets the intent of this chapter.
- Since much of the first floor of the carriage house unit facing 28th Street would accommodate tuck-under parking, staff recommends that the commission grant alternative compliance due to the

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difficulty of providing a great deal of window area into garage space provided the applicant does not further reduce the window area from the current proposal. The current proposal is for approximately 17 percent windows compared to the required 20 percent.

- Because the parking area essentially acts as a driveway, landscaping is not practical between the parking area and the residence district to the west.

Findings Required by the Minneapolis Zoning Code for the Proposed Variances:

- 1. The property cannot be put to a reasonable use under the conditions allowed and strict adherence to the regulations of this zoning ordinance would cause undue hardship.**

Front yard setback (along Bloomington Avenue): According to information submitted by the applicant, the front wall of the building would match the setback established by the dwelling to the south. The front porches would extend into the required yard less than six feet, which would be allowed on single- and two-family dwellings. Further, complying with the required setback would prevent the applicant from constructing the townhouse units in a manner consistent with other residential structures located farther south on the block.

Front yard setback (along 28th Street): The proposed variance would allow all of the proposed improvements in the front setback along 28th Street (two residential structures within the development as well as an arbor entrance). The property is a reverse corner lot, creating two front yard setback requirements on the property. Further, the required setback would prevent the applicant from matching the established front yard setback of the property immediately to the west, which is the property that causes the applicant's lot to be a reverse corner lot.

Interior south side yard setback: The Planning Department believes that it would be reasonable to expect the applicant to comply with the required south side yard by placing the principal entrance to the southernmost carriage house along east elevation of the building, facing the courtyard area. The design of the northernmost carriage house, replicated on the south end of the property, would comply with the required setback.

Maximum permitted accessory structure area: The zoning code would prevent the applicant from providing one enclosed parking space per dwelling unit for the townhouse units in addition to two-car tuck-under garages in the carriage house units. Applied to this property, the accessory structure limitation is overly restrictive.

- 2. The circumstances are unique to the parcel of land for which the variance is sought and have not been created by any persons presently having an interest in the property. Economic considerations alone shall not constitute an undue hardship if reasonable use for the property exists under the terms of the ordinance.**

Front yard setback (along Bloomington Avenue): The setbacks of other residential structures on the block are generally unique to this location and were not created by any persons having an

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interest in this property. Also note that the block has an unusually large interior boulevard, creating a greater setback from the public street.

Front yard setback (along 28th Street): The fact that the property is a reverse corner lot, the large (i.e., eight foot) interior boulevard, and the established setback of the residential building to the west are all unique factors that have not been created by the applicant.

Interior south side yard setback: Staff has not identified unique circumstances that would justify varying the south side yard setback. The applicant has essentially caused any hardship by designing the carriage house with a south-facing entrance.

Maximum permitted accessory structure area: The circumstances are unique in that a significant amount of the accessory structure area would be tuck-under garages within the carriage house units.

3. The granting of the variance will be in keeping with the spirit and intent of the ordinance and will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity.

Front yard setback (along Bloomington Avenue): The proposed placement of the townhouse units and their open porches would be more consistent with the character of the block than if the applicant were to comply with the required setback in this instance. Staff would be more concerned if the proposed porches were enclosed structures. The impact of enclosed structures, versus the proposed open porches, would be more significant.

Front yard setback (along 28th Street): Provided the area between the building and the public sidewalk along 28th Street is landscaped and maintained, the proposed setback would meet the intent of the ordinance since the large interior boulevard would provide some green space for a “front yard” and would appear to match the front yard setback of the residential property to the west. Note that no portions of the building should project into/over the public right of way. Such projections could potentially limit the city’s ability use improve the public right of way in ways that may not be currently anticipated in this location. The Public Works Department has indicated that encroachment permits generally are not granted for roof overhangs or other permanent improvements that are not easily removable.

Interior south side yard setback: The required south side yard would typically be five feet for the development. However, to ensure privacy of the adjacent residential property, the zoning code requires a 15-foot setback when the principal entrance faces the interior lot line. For cluster developments in particular, which are supposed to provide a transition area along adjacent residential properties, the proposal would not meet the intent of the ordinance.

Maximum permitted accessory structure area: The proposed accessory structures have been designed to generally minimize the amount of area per dwelling unit. The garages for the townhouse units would be approximately 11 feet in width by 22 feet in depth—a very modest size for an owner-occupied unit. The tuck-under garages for the carriage house units are

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essentially located within the building and do not significantly contribute to the bulk of the accessory structure area on the property.

4. **The proposed variance will not substantially increase the congestion of the public streets, or increase the danger of fire, or be detrimental to the public welfare or endanger the public safety.**

Front yard setback (along Bloomington Avenue): The proposed building placement would not affect traffic visibility or public safety or welfare in any manner.

Front yard setback (along 28th Street): Reducing the required front yard setback would not be expected to be detrimental to public safety or welfare. The larger interior boulevard would allow some visibility between vehicles exiting the public alley and pedestrians on the public sidewalk.

Interior south side yard setback: Provided the project complies with the building code, staff does not anticipate that granting the variance would affect public safety in any way.

Maximum permitted accessory structure area: Increasing the amount of accessory structure area would provide adequate off-street parking and would not compromise public safety or welfare.

Required Findings for the Preliminary Plat:

The applicant has submitted a CIC condominium plat. The city takes no action on condominium plats. These plats are handled solely by the county. Staff has reached the conclusion that the plat application may be returned to the applicant provided that project complies with all relevant land subdivision regulations, including the deed restriction requirements of section 598.260.

CITY PLANNING DEPARTMENT RECOMMENDATIONS:

Recommendation Of The City Planning Department for the Zoning Amendment (Rezoning) Application:

The City Planning Department recommends that the City Planning Commission and City Council adopt the above findings and **approve** the application to rezone the property at 2800 & 2806 Bloomington Avenue from the C1 District and the R2B District to the R4 District.

Recommendation Of The Minneapolis City Planning Department for the Conditional Use Permit for a Cluster Development:

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The City Planning Department recommends that the City Planning Commission adopt the above findings and **approve** the application for a conditional use permit to allow a seven (7) unit cluster development located at 2800 & 2806 Bloomington Avenue, subject to the following conditions:

- 1) As required by section 598.260 of the land subdivision regulations, the cluster development shall include a deed restriction, to be reviewed by the city attorney's office prior to issuance of a building permit, designating the following:
 - (a) The relationship between all common spaces and each individual lot (rights in the common spaces and proportionate ownership accruing to the individual lot).
 - (b) Provision for access to each lot that does not have frontage on a public street.
 - (c) A requirement that an owners' association be created. The duties and responsibilities of the owners' association shall include maintaining the elements of the planned unit development or cluster development as authorized under the zoning ordinance or other applicable regulations.
 - (d) A provision that the taxes, special assessments, and other charges and fees that would normally be levied against the common spaces shall be levied against the individual lot occupied or to be occupied by buildings in direct proportion to the interest that is stated in the deed restriction and shall provide that such levies shall be a lien against the individual lots.
 - (e) A requirement that any disposition of any of the common property situated within the planned unit development or cluster development shall not be made without the prior approval of the planning commission.

Recommendation Of The Minneapolis City Planning Department for the Conditional Use Permit to Increase the Maximum Permitted Height:

The City Planning Department recommends that the City Planning Commission adopt the above findings and **approve** the application for a conditional use permit to increase the maximum permitted height of two (2) "carriage house" units from two and a half (2-1/2) to three (3) stories within the proposed seven (7) unit cluster development at 2800 & 2806 Bloomington Avenue.

Recommendation of the City Planning Department for the Site Plan Review Application:

The City Planning Department recommends that the City Planning Commission adopt the above findings and **approve** the site plan review application for a seven (7) unit cluster development at 2800 & 2806 Bloomington Avenue, subject to the following conditions:

- 1) Landscaping shall be installed and maintained, with an encroachment permit, in the public right of way along 28th Street. Emphasis should be placed on landscaping and screening the off-street parking area and installing landscaping features that would prevent cut-through foot traffic near the intersection.
- 2) Landscaping shall be installed and maintained along the public alley in the areas that are not needed for access to off-street parking.

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- 3) The Planning Department shall review and approve the final site and landscaping plans. The final landscaping plan shall contain a more detailed plant schedule, planting details, and maintenance plan.
- 4) If improvements required by Site Plan Review exceed two thousand (2000) dollars, the applicant shall submit a performance bond in the amount of 125 percent of the estimated site improvement costs prior to obtaining a building permit.
- 5) Site improvements required by Chapter 530 or by the City Planning Commission shall be completed by June 6, 2004, or the permit may be revoked for non-compliance.

Recommendation of the City Planning Department for the Variance Application to Reduce the Required Front Yard Setback Along Bloomington Avenue:

The City Planning Department recommends that the City Planning Commission adopt the findings above and **approve** the variance to reduce the required front yard setback along Bloomington Avenue from 15 feet to 10 feet for open porches on the front of each of the five units facing Bloomington Avenue at 2800 & 2806 Bloomington Avenue, subject to the following conditions:

- 1) The porches shall remain an open porch and shall not be enclosed with walls, screens or windows unless an additional variance is granted to do so.

Recommendation of the City Planning Department for the Variance Application to Reduce the Required Front Yard Setback Along 28th Street:

The City Planning Department recommends that the City Planning Commission adopt the findings above and **approve** the variance to reduce the required front yard setback along 28th Street (on a reverse corner lot) from 15 feet to 0 feet for the structures within the proposed cluster development located at 2800 & 2806 Bloomington Avenue, subject to the following conditions:

- 1) Landscaping shall be planted and maintained between the development and the public sidewalk along 28th Street.
- 2) No portion of the building(s) (e.g., roof overhang) shall extend into or over the public right of way.

Recommendation of the City Planning Department for the Variance Application to Reduce the Required Interior South Side Yard Setback:

The City Planning Department recommends that the City Planning Commission adopt the findings above and **deny** the variance to reduce the required interior south side yard setback from 15 feet to 5 feet for the proposed cluster development with a principal entrance facing the south lot line at 2800 & 2806 Bloomington Avenue.

Recommendation of the City Planning Department for the Variance Application to Increase the Maximum Permitted Accessory Structure Area:

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The City Planning Department recommends that the City Planning Commission adopt the findings above and **approve** the variance to increase the maximum permitted accessory structure area (for all attached and detached garages) from 10 percent of the lot area (1,569 square feet) to 14.4 percent of the lot area (2,246 square feet) for the proposed seven (7) unit cluster development at 2800 & 2806 Bloomington Avenue.

Recommendation of the Minneapolis City Planning Department for the Preliminary Plat:

The City Planning Department recommends that the City Planning Commission adopt the above findings and **return** the preliminary plat application to the applicant.